

AMENDED IN ASSEMBLY AUGUST 23, 2002

AMENDED IN SENATE MAY 6, 2002

AMENDED IN SENATE MAY 1, 2002

SENATE BILL

No. 1984

Introduced by Senator Soto

February 22, 2002

An act to amend Section 21151 of, and to add Section 21537.5 to, the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1984, as amended, Soto. Public employees' retirement: industrial disability and death benefits.

Under existing law, patrol, state safety, state industrial, and state peace officer/firefighter members of the Public Employees' Retirement System, among others, who are incapacitated as the result of an industrial disability, are retired for disability, regardless of age or amount of service, and receive a disability retirement allowance equal to the greater of 50 percent of the member's final compensation plus an annuity, as specified, or, if qualified for service retirement, the member's service retirement allowance. The Public Employees' Retirement Law also provides that a special death benefit, as specified, is payable to a qualified survivor of any of those members if the member's death was industrial.

This bill would make those industrial disability benefits and the special death benefit applicable to state miscellaneous members in State Bargaining Unit 12 and employed by the Department of Transportation who are injured or killed in the course of their duties with the department, *if those benefits are approved in a memorandum of*

understanding between the state and the recognized employee organization, as specified.

The bill would incorporate additional changes to Section 21151 of the Government Code proposed by AB 2023, to take effect if both bills are enacted and become effective and this bill is enacted last.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21151 of the Government Code is
2 amended to read:
3 21151. (a) Any patrol, state safety, state industrial, state
4 peace officer/firefighter, or local safety member incapacitated for
5 the performance of duty as the result of an industrial disability
6 shall be retired for disability, pursuant to this chapter, regardless
7 of age or amount of service.
8 (b) This section also applies to local miscellaneous members if
9 the contracting agency employing those members elects to be
10 subject to this section by amendment to its contract.
11 (c) This section also applies to all of the following:
12 (1) State miscellaneous members employed by the Department
13 of Justice who perform the duties now performed in positions with
14 the class title of Criminalist (Class Code 8466), or Senior
15 Criminalist (Class Code 8478), or Criminalist Supervisor (Class
16 Code 8477), or Criminalist Manager (Class Code 8467), Latent
17 Print Analyst I (Class Code 8460), Latent Print Analyst II (Class
18 Code 8472), or Latent Print Supervisor (Class Code 8473).
19 (2) State miscellaneous members employed by the Department
20 of the California Highway Patrol who perform the duties now
21 performed in positions with the class title of Communications
22 Operator I, California Highway Patrol (Class Code 1663),
23 Communications Operator II, California Highway Patrol (Class
24 Code 1664), Communications Supervisor I, California Highway
25 Patrol (Class Code 1662), or Communications Supervisor II,
26 California Highway Patrol (Class Code 1665).
27 (3) State miscellaneous members whose disability resulted
28 under the conditions specified in Sections 20046.5 and 20047.
29 (4) State miscellaneous members in State Bargaining Unit 12
30 employed by the Department of Transportation, *provided a*



1 *memorandum of understanding has been agreed to by the state*
2 *employer and the recognized employee organization to make this*
3 *paragraph applicable to those members.*

4 *SEC. 1.5. Section 21151 of the Government Code is amended*
5 *to read:*

6 21151. (a) Any patrol, state safety, state industrial, state
7 peace officer/firefighter, or local safety member incapacitated for
8 the performance of duty as the result of an industrial disability
9 shall be retired for disability, pursuant to this chapter, regardless
10 of age or amount of service.

11 (b) This section also applies to local miscellaneous members if
12 the contracting agency employing those members elects to be
13 subject to this section by amendment to its contract.

14 (c) This section also applies to ~~state~~ *all of the following:*

15 (1) *State* miscellaneous members employed by the Department
16 of Justice who perform the duties now performed in positions with
17 the class title of Criminalist (Class Code 8466), or Senior
18 Criminalist (Class Code 8478), or Criminalist Supervisor (Class
19 Code 8477), or Criminalist Manager (Class Code 8467), Latent
20 Print Analyst I (Class Code 8460), Latent Print Analyst II (Class
21 Code 8472), or Latent Print Supervisor (Class Code 8473), ~~and~~
22 ~~state~~.

23 (2) *State* miscellaneous members employed by the Department
24 of the California Highway Patrol who perform the duties now
25 performed in positions with the class title of Communications
26 Operator I, California Highway Patrol (Class Code 1663),
27 Communications Operator II, California Highway Patrol (Class
28 Code 1664), Communications Supervisor I, California Highway
29 Patrol (Class Code 1662), or Communications Supervisor II,
30 California Highway Patrol (Class Code 1665), ~~and state~~.

31 (3) *State* miscellaneous members whose disability resulted
32 under the conditions specified in Sections 20046.5 and 20047.

33 (4) *State miscellaneous members in State Bargaining Unit 12*
34 *employed by the Department of Transportation, if a memorandum*
35 *of understanding has been agreed to by the state employer and the*
36 *recognized employee organization making this paragraph*
37 *applicable to those members.*

38 (d) *This section does not apply to local safety members*
39 *described in Section 20423.6, unless this section has been made*

1 *applicable to local miscellaneous members pursuant to*
2 *subdivision (b).*

3 SEC. 2. Section 21537.5 is added to the Government Code, to
4 read:

5 21537.5. (a) The special death benefit is payable if the
6 deceased was a state miscellaneous member in State Bargaining
7 Unit 12 employed by the Department of Transportation, if his or
8 her death occurred as a result of injury arising out of and in the
9 course of his or her official duties with the department, and if there
10 is a survivor who qualifies under subdivision (b) of Section 21541.
11 The Workers' Compensation Appeals Board, using the same
12 procedures as in workers' compensation hearings, shall in
13 disputed cases determine whether the death of the member
14 occurred as a result of that injury.

15 (b) The jurisdiction of the Workers' Compensation Appeals
16 Board shall be limited solely to the issue of industrial causation,
17 and this section may not be construed to authorize the Workers'
18 Compensation Appeals Board to award costs against this system
19 pursuant to Section 4600, 5811, or any other provision of the Labor
20 Code.

21 (c) *This section shall not become operative unless and until a*
22 *memorandum of understanding has been agreed to by the state*
23 *employer and the recognized employee organization making this*
24 *section applicable to those members described in subdivision (a).*

25 SEC. 3. Section 1.5 of this bill incorporates amendments to
26 Section 21151 of the Government Code proposed by both this bill
27 and AB 2023. It shall only become operative if (1) both bills are
28 enacted and become effective on or before January 1, 2003, (2)
29 each bill amends Section 21151 of the Government Code, and (3)
30 this bill is enacted after AB 2023, in which case Section 1 of this
31 bill shall not become operative.

